UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/630,315 | 07/30/2003 | Mark D. Chuey | LEAR 04077 PUS / 04077 | 9100 |

34007 7590 12/14/2005

BROOKS KUSHMAN P.C. / LEAR CORPORATION
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075-1238

| EXAMINER | |
|---|---|
| SHIMIZU, MATSUICHIRO | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2635 | |

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/630,315 | CHUEY, MARK D. | |
| | Examiner | Art Unit | |
| | Matsuichiro Shimizu | 2635 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *30 July 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-33* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6,9-21 and 24-33* is/are rejected.

7)☒ Claim(s) *7,8,22 and 23* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *30 July 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *2/23/05;12/16/04;1*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☒ Other: *See Continuation Sheet*.

Continuation of Attachment(s) 6). Other: 3-IDS; 10/12/04;5/21/04;5/10/04;4/1/04;2/10/04;1/21/04.

*Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-3, 5-6, 15-21, 29-30 and 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inomata et al. (5,473,317) in view of Verzulli (6,344,817) and King (20020067826).

Regarding claims 1, 15 and 29, Inomata teaches programmable remote control associated with remotely activating an appliance (Fig. 4, programmable remote control unit 21; appliances 13, 15, 17) comprising:

positioning a sensor proximate (Fig. 4, status detector 35) to the appliance;

transmitting activation signals (Fig. 4, optical command signal 9); receiving sensor signal from appliance the status (Fig. 4, status detector 35); a user interface (col. 4,

lines 33-35, interface associated with key); and the control logic storing data into the memory (Fig. 5, remote control is programmed with correct set of commands in the memory for subsequent control). But Inomata is silent on automatically transmitting a sequence of different activation signals and determining which of the plurality of radio frequency activation schemes based on sensor signal.

However, Verzulli teaches, in the art of remote control system, automatically transmitting a sequence of different activation signals and determining which of the plurality of radio frequency activation schemes provide activation of specific appliance (col. 5, lines 26-35 and 41-45, seek-stop by the user) based on user recognition for the purpose of providing control of many different electronic devices. Furthermore, one skilled in the art recognizes controller receiving signal associated with seek-stop by the user (Verzulli) is analogous to controller receiving status based on sensor signal associated with the status detector (Inomata) from various appliances. Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include automatically transmitting a sequence of different activation signals and determining which of the plurality of radio frequency activation schemes based on sensor signal in the device of Inomata because Inomata suggests receiving sensor signal from appliance the activation status and one skilled in the art recognizes automatically transmitting a sequence of different activation signals and determining which of the plurality of radio frequency activation schemes based on sensor signal for the purpose of providing control of many electronic devices.

Furthermore, King teaches, in the art of remote control system, RF transmitter (Fig. 1, trainable transmitter 12 with antenna 38) for the purpose of providing long-range communication. Therefore, it would have been obvious to a person skilled in the

art at the time the invention was made to include RF transmitter in the device of Inomata because Inomata suggests IR transmitter and King teaches RF transmitter for the purpose of providing long-range communication.

Regarding claims 2-3, 5, 17-20, 30 and 32-33, King continues, as claimed in claims 1, 15 and 29, to teach transmitter, sensor and controller are mounted on an automotive vehicle (Fig. 1, tamper sensor 32, trainable transmitter 12 and controller 30) and a plurality of rolling code schemes ([0011], rolling algorithm and fixed code for each module) and a plurality of fixed code schemes ([0011], a plurality of modules 14a-e).

Regarding claims 6 and 21, Inomata continues, as claimed in claims 1 and 15, to teach the receiving at least one signal from the sensor indicating appliance activation comprises receiving a first signal and a second signal, the second signal confirming appliance activation by one of the plurality of radio frequency activation schemes (col. 3, lines 61-65, if no "power -on" status signal, then search for next "power-on" status and reading out and transmitting the code).

Regarding claims 16, Inomata continues, as claimed in claim 15, to teach system of claim 15 further comprising a user activation input, the control logic controlling the transmitter to transmit an activation signal having characteristics represented by the activation scheme stored in the memory upon an assertion of the user activation input (Fig. 5, remote control is programmed with correct set of commands in the memory for subsequent control).

Claims 4, 9-14, 24-28 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inomata in view of Verzulli and King as applied to claims 1, 15 and 29 above, and further in view of Tsui (6,597,291).

Regarding claims 4, 9-14, 24-28 and 31, Inomata in view of Verzulli and King is silent on the sensor is operative to sense motion, position, light, vibration, electrical current and positioning motor vehicle, and remote receiver.

However, Tsui teaches, in the art of sensor system, the sensor is operative to sense motion (col. 2, lines 62-65, magnetic switch to sense position), position (col. 2, lines 62-65, magnetic switch to sense position), light (col. 1, lines 49-52, infrared sensor), vibration, electrical current and positioning motor vehicle (col. 2, lines 62-65, magnetic switch to sense position), and remote receiver (Fig. !, remote receiver 140) for the purpose of providing sensing the actuation of appliance. Furthermore, one skilled in the art recognizes sensors associated with vibration, electrical current and positioning motor vehicle, vibration, electrical current and positioning motor vehicle are some of modification conceived (col. 9, lines 1-8) as alternative sensor response. Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include the sensor is operative to sense motion, position, light, vibration, electrical current and positioning motor vehicle, and remote receiver in the device of Inomata in view of Verzulli and King because one skilled in the art recognizes the sensor is operative to sense motion, position, light, vibration, electrical current and positioning motor vehicle, and remote receiver for the purpose of providing sensing the actuation of appliance.

### *Allowable Subject Matter*

Claims 7-8 and 22-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 7 and 22, the prior arts fail to teach or fairly suggest rapidly transmitting the sequence of activation signals prior to receiving the first sensor signal; and slowly transmitting at least a portion of the rapidly transmitted sequence of activation signals prior to receiving the second sensor signal.

Regarding claims 8 and 23, the prior arts fail to teach or fairly suggest at least a portion of the sequence of activation signals has an order established by popularity of radio frequency activation schemes, whereby an average time until receiving the at least one sensor signal is decreased.

*Contact Information*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matsuichiro Shimizu whose telephone number is 571-272-3066. The examiner can normally be reached on Monday through Friday from 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik, can be reached on 571-272-3068. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3068.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703-305-8576).

Matuichiro Shimizu
December 12, 2005

MICHAEL HORABIK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600